

Notice of Allowability

Application No.

10/692,151

Examiner

Shafiqul Haq

Applicant(s)

NOLAN ET AL.

Art Unit

1641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' amendments and arguments filed 7/30/07.
2. ☒ The allowed claim(s) is/are 24 and 29-42, now renumbered as 1-15.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/20/07.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's amendment

1. Authorization for this examiner's amendment was given in a telephone interview with Karl Bozicevic on September 20, 2007.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Claims 1-6, 14 and 18 have been cancelled.

4. Claim 24 has been amended as follows:

In claim 24, line 2, after "X₁-X₂-X₃-X₄-Y-W-T-X₃-M-F-Y-X₆", insert --(SEQ ID NO:116)--.

In claim 24, line 2, after "X₁-X₂-X₃-X₄-Y-W-T-X₃-M-F-Y-X₆ wherein", delete the phrase "said peptide specifically binds to Texas Red fluorophore dye, and wherein".

5. Claim 39 has been amended as follows:

In claim 39, line 1, replace the word "a fluorophore dye" with --Texas Red fluorophore dye--.

In claim 39, line 2, replace the words "dye is bound by said peptide" with --peptide specifically binds to the Texas Red fluorophore dye--.

6. Claim 40 has been amended as follows:

Replace claim 40 with the following:

--A method of binding a peptide to Texas Red fluorophore dye comprising;
contacting said Texas Red fluorophore dye with the peptide according to claim 24;

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wherein said contacting provides for binding of the peptide to the Texas Red fluorophore dye.—

7. Claim 41 has been amended as follows:

In claim 41, line 2, replace the words “a fluorophore dye” with --Texas Red fluorophore dye--.

Terminal Disclaimer

8. The terminal disclaimer filed on 7/30/07 disclaiming the terminal portion of any patent granted on this application, which would extend beyond the expiration date of US Patent No. 6,747,135 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Conclusion

9. Claims 24 and 29-42, now renumbered as 1-15 are allowed.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shafiqul Haq whose telephone number is 571-272-6103. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long V. Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR

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only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SHAFIQUL HAQ
EXAMINER
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LONG V. LE 09/28/07
SUPERVISORY PATENT EXAMINER
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